



#7

PTO/SB/64 (6-95)

Approved for use through 07/31/96. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b),
37 CFR 1.155(c), OR 37 CFR 1.316(c)**

Docket Number 04259.P057D1

First named inventor: **Tsutomu Shimomura**

Application No.: 09/515,152

Group Art Unit: <Unassigned>

Filed: February 29, 2000

Examiner: <Unassigned>

Title: A Broadband Data Broadcasting Service

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed 4/18/2000, which set a two month/day period for response. The abandonment date of this application is 12/4/2001 (i.e., the day after the expiration date of the period set for response plus any extensions of time obtained therefore).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proposed response and/or issue fee
- (3) Verified statement that the abandonment was unintentional

1. Petition fee

- ☐ Small-entity fee \$_____ (37 CFR 1.17(m))
- ☐ Small-entity statement enclosed herewith.
- ☐ Small-entity statement previously filed.
- ☒ Other than small-entity fee \$ 1,280.00 (37 CFR 1.17(m)).

2. Proposed response and/or fee

A. The proposed response and/or fee to the above-noted Office action in the form of Notice To File Missing Parts of Nonprovisional Application (identify type of response):

- ☐ has been filed previously on _.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

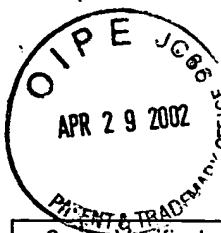
- ☐ has been paid previously on _.
- ☐ is enclosed herewith.

Burden Hour Statement: This form is estimated to take 1 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Office, Patent and Trademark Office, Washington, D. C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

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OFFICE OF PETITIONS



3. Verified statement

The delay caused by the abandonment of the application was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

April 29, 2002
Date


Signature

Telephone
Number: (408) 720-8300

Thomas C. Webster Reg.46,154
Typed or printed name

12400 Wilshire Boulevard, 7th Floor
Address

Los Angeles, CA 90025

- Enclosures: ☒ Response
☒ Fee Payment
☒ Copy of Notice To File Missing Parts
☒ Copy of Notice Of Abandonment Under 37 CFR 1.53 (f) or (g)

By completing the Certificate of Mailing, below, the date mailed will be considered the date this correspondence is filed.

CERTIFICATE OF MAILING [37 CFR 1.8(a)]

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below "Express Mail Post Office to Addressee" addressed to the: Assistant Commissioner for Patents, Box DAC, Washington D. C. 20231.

April 29, 2002
Date


Signature

Janece Shannon
Typed or printed name of person signing Certificate



Attorney Docket No.: 04259.P057D1

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Tsutomu Shimomura) Examiner: Unassigned
)
Application No. 09/515,152) Art Unit: Unassigned
)
Filed: February 29, 2000)
)
For: A BROADBAND DATA BROADCASTING)
SERVICE)
_____)

Attention: Office of Petition
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

**PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)**

Sir:

The above-identified application became abandoned for failure to file a timely and proper response to the Notice To File Missing Parts mailed April 18, 2000, which set a 2 month period for response, extendible an additional 3 months. The abandonment date of this application is December 4, 2001. Applicant hereby petitions for revival of this application.

“Express Mail” mailing label number: EL672748810US

Date of Deposit: April 29, 2002

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service “Express Mail Post Office to Addressee” service on the date indicated above and that this paper or fee has been addressed to the Commissioner for Patents, Washington, D. C. 20231

Janece Shannon

(Typed or printed name of person mailing paper or fee)

Janece Shannon
(Signature of person mailing paper or fee)

April 29, 2002

(Date signed)

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PETITION FEE

Enclosed is a check for \$1,280.00 for the petition fee under 37 C.F.R. § 1.17(m). If any additional fee is required, please charge Deposit Account No. 02-2666.

REPLY

A response to the Office Action Dated April 18, 2000 was due on June 18, 2000. A check in the amount of \$910.00 for the statutory basic filing fee, excess claims fee and a late filing fee set forth under 37 CFR 1.16 (e).

TERMINAL DISCLAIMER

Because this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

STATEMENT

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then applicant hereby requests such an extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 4/29, 2002



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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/515,152	02/29/2000	Tsutomu Shimomura	GEOC.P0003D1

CONFIRMATION NO. 1836

ABANDONMENT/TERMINATION
LETTER



Dag H Johansen
100 Independence Drive
Menlo Park, CA 94025

Date Mailed: 12/04/2001

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/18/2000.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

A copy of this notice MUST be returned with the reply.

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Customer Service Center
Initial Patent Examination Division (703) 308-1202

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